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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SNOW COVERED CAPITAL, LLC,

Plaintiff,

v.
WILLIAM WEIDNER, *et al.*,

Defendants.

Case No. 2:19-cv-00595-APG-NJK

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO FILE
PROPOSED JOINT PRETRIAL ORDER
(Third Request)**

AND ALL RELATED MATTERS.

IT IS HEREBY STIPULATED AND AGREED between Plaintiff SNOW COVERED CAPITAL, LLC and Defendants ESTATE OF ANDREW FONFA, WILLIAM WEIDNER, and DAVID JACOBY, pursuant to LR 7-1, LR IA 6-1, and LR IA 6-2, by their respective counsel, that the parties shall have additional time to draft and file the Proposed Joint Pretrial Order (“*JPTO*”). This is the third request for an extension.

1 As noted in the second request to extend time (ECF No. 281), Nicholas J. Santoro, Esq. and
2 Oliver J. Pancheri, Esq. of Santoro Whitmire, counsel for Defendants Weidner and Jacoby, are
3 involved in a JAMS Arbitration before the Honorable Justice Mark Gibbons (Ret.), the first phase of
4 which began on January 9, 2023 and was scheduled to continue through January 26 or 27, 2023.
5 However, the first phase of the arbitration ran one week longer than originally allotted—through and
6 including February 3, 2023. Justice Gibbons has scheduled the resumption of the arbitration on
7 March 6, 2023 and continuing through and including March 17, 2023. The unanticipated length of
8 the arbitration has made it difficult for the parties to continue their meet-and-confer efforts to pare
9 down the issues in the proposed Joint Pretrial Order.

10 In addition, SCC's counsel, Diamond McCarthy, experienced an ice storm in Dallas that
11 completely shut down the firm's Dallas office for the week of January 31st. All Diamond McCarthy
12 personnel working on this litigation are based in the firm's Dallas office.

13 On July 15, 2022, this Court ordered the parties to "confer on a schedule to conclude this
14 case." (ECF No. 264). The parties did confer and filed their "Response to the Scheduling Issues
15 Raised in this Court's July 15, 2022 Order" on August 5, 2022. (ECF No. 269). As part of that
16 response, the parties jointly proposed a schedule relative to the drafting and filing of the Proposed
17 Joint Pretrial Order. (*Id.* at 2). The Court approved that schedule by minute order dated August 8,
18 2022. (ECF No. 270).

19 On November 3, 2022, the parties submitted a "Stipulation to Extend Drafting Scheduled for
20 the Proposed Joint Pretrial Order (First Request)." (ECF No. 276). The Court granted the stipulation
21 on November 4, 2022 (ECF No. 277) setting the deadline for the parties to submit the JPTO on
22 February 3, 2023. In conformity with such stipulation, the parties exchanged objections/written
23 comments to their respective initial drafts on December 21, 2022. The parties recognize that there
24 are a substantial number of unresolved issues in the last exchange of drafts. Thus, the parties
25 submitted their second request to extend the time to file the proposed Joint Pretrial Order seeking to
26 extend the filing deadline until February 24, 2023, which the Court granted on January 13, 2023
27 (ECF No. 282). Given the intervening holidays, the unanticipated length of the arbitration in which

counsel for Weidner and Jacoby are involved, the issues encountered by SCC's counsel with respect to the ice storm in Dallas, and most importantly, the parties' desire to resolve as many of the outstanding issues as possible before submitting the proposed Joint Pretrial Order, the parties respectfully request this third and anticipated final extension for the filing.

The parties having now exchanged both their initial drafts and subsequent objections/comments to each other's submission, the sole remaining deadline in the Court-ordered schedule is the filing of the JPTO with the Court. The parties met and conferred on February 9, 2023, and have now scheduled, on February 22, 2023, the first of the "marathon" meet and confer sessions in which we will be discussing, at a minimum, the objections to exhibits (which, at this point, are voluminous). Recognizing that the Court expects the parties to work in good faith to pare down the objections and other issues in the proposed Joint Pretrial Order, the parties have committed to spending substantial time to reasonably work toward that objective (which the parties believe may require additional "marathon" meet and confer sessions). But the parties also recognize that there is insufficient time to meaningfully do so (given the volume of issues) before the resumption of the arbitration involving counsel for Weidner and Jacoby. Thus, additional time is needed for this purpose.

The parties now respectfully propose to extend the filing of the JPTO from February 24, 2023 to and including April 7, 2023. Good cause exists for the extension set forth herein. This is the third request for an extension of this deadline and is not intended to cause any delay.

This stipulation is submitted for the limited purpose of extending the above deadline and is without prejudice to any parties' rights.

Dated this 10th day of February 2023.

/s/ Nicholas J. Santoro

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IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

Dated: February 13, 2023